

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CENTRAL DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

JOSE CASTANEDA-RIVERA,

Defendant.

No. 18-CR-3010-LRR

ORDER

The court is in receipt of the Final Presentence Investigation Report for the above-named Defendant. The United States Probation Officer (“USPO”) notes one or more sentencing issues.

IT IS ORDERED:

1. If the issues noted by the USPO have been resolved, the parties shall immediately file a notice, detailing the resolution or proposed resolution of each issue.
2. If one or more sentencing issues remain, the parties shall meet and confer regarding the contested issues within seven calendar days of the date of this order. If the contested issues are resolved in the meet and confer, the parties are directed to immediately file a notice, detailing the resolution or proposed resolution of each issue.
3. In any case in which sentencing issues remain, within twenty-one days of the date of this order, the attorneys are directed to file the following with the Clerk of Court and serve a copy on opposing counsel, pro se parties and the United States Probation Office:
 - a. A list of all witnesses counsel expects to call to testify at the sentencing hearing;
 - b. A list of all exhibits counsel expects to offer at the sentencing hearing; and

- c. A list of all sentencing issues counsel will ask the court to decide, with a separate brief that contains a citation to all statutes, case law and guideline sections relied on in support of counsel's position.
4. If any part of the guideline calculation is in dispute, the parties are directed to submit itemized and annotated statements of how they arrived at their figures. Because the court is required to calculate an advisory guideline sentencing range in all cases, the parties must file sentencing memoranda containing legal authority to support each argument as to which specific offense characteristics and adjustments are applicable. If the parties agree as to the Total Offense Level but disagree about how the Total Offense Level was calculated, each party still must submit a detailed sentencing memorandum setting forth the differing positions and legal authorities.
5. If the amount of restitution is at issue, the parties shall submit itemized and annotated statements (with any supporting documentation) explaining how they arrived at their figures.
6. Within fourteen calendar days from the date of this order, counsel shall exchange exhibits marked with exhibit numbers in accordance with Local Rule 83E.
7. In the event counsel expects to offer the testimony of in-custody witnesses, counsel shall provide notice to the United States Marshal within fourteen days from the date of this order.
8. In the event counsel wants the United States Marshal to serve subpoenas on witnesses, those subpoenas shall be delivered to the United States Marshal within fourteen days from the date of this order.
9. If a party does not file its sentencing memorandum in a timely manner or if a brief citing to legal authority is not filed, the court will consider the issues previously raised by the party in the party's objections to the presentence report to be waived.

10. The court will accept and consider letters in support of Defendant. They should be filed by counsel in CM-ECF. The court will not consider letters sent by e-mail to the judge or chambers.

IT IS SO ORDERED.

DATED this 24th day of August, 2018.

A handwritten signature in black ink, appearing to read "Linda R. Reade", written over a horizontal line.

LINDA R. READE, JUDGE
UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF IOWA